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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,889	05/29/2001	Jyoji Wada	33623	5308

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EXAMINER

SELBY, GEVELL V

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/856,889

Applicant(s)

WADA ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1. 2. 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the amendment, filed 2/7/05, with respect to the rejection(s) of claim(s) 2, 3, and 7 under 35 U.S.C. 103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Uchida, US 5,929,904 and Iwabe, US 4,827,333.

2. Applicant's arguments filed 2/7/05 have been fully considered but they are not persuasive. The applicants submit that the prior art does not disclose the following limitations of the claimed invention:

1) "a storage means formed of a rewritable non-volatile memory for storing data, wherein said storage means records operation history of the surveillance camera at constant time intervals of a predetermined time period" as recited in claim 1;

2) "storage means records an accumulated number of automatic panning operations executed during the predetermined time period as the operation history", as claimed in claim 4;

3) "storage means records an accumulated number of automatic panning operations executed during the predetermined time period as the operation history" as claimed in claim 5;

4) "storage means records an accumulated number of coordinated system resetting operations for resetting coordinate data of the camera executed during the predetermined time period as the operation history" as recited in claim 6. The Examiner respectfully disagrees.

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**Examiner's Reply:**

Re Claim 1) The Kivolowitz reference discloses transfer to the buffer circuit 30 and the memory 44, during real time implementation, is controlled by a timer circuit 32 at constant time intervals (rate of 120 Hz) during the predetermined time period (time to record a frame) (see column 4, lines 28-45 and column 5, line 59-64). The applicant submits that the memory 44 fails to disclose the storage means because it is not located within the camera; however, this limitation is not claimed in the claim therefore, whether the memory is internal to the camera or remote is irrelevant. The Official Notice statement is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice in claim 1.

Re Claims 5-6) The Kivolowitz reference discloses a storage means 44 records the operation history as explained in regard to claim 1. The applicant refers the latch 28 as the memory means the can not disclose the claims, however the storage means 44 was used in the rejection. The Official Notice taken in claim 5 is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice.

***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 9 of U.S. Patent No. Wakiyama et al., US 6,667,764. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of the Wakiyama reference discloses a surveillance camera apparatus of claims 1 and 2 comprising:

a storage means (non-volatile memory) formed of a rewritable non-volatile memory for storing data, wherein said storage means records operation history of the surveillance camera (storing a count result of said counting means as said historic data) at constant time intervals of a predetermined time period (stores the count result of said counting means at a predetermined time interval), wherein the storage means records an accumulated number of preset operations executed during the predetermined time period as the operation history (means responsive to said operation means for counting the number of times of said preset operation).

Claim 2 of the Wakiyama reference discloses added limitations not disclosed in the claimed invention; however, it would have been obvious the one of ordinary skill in the art at the time of invention, to remove the added features to provide for a simpler embodiment.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivolowitz, US 5,881,321.**

In regard to claim 1, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus (see figure 1, element 10 and see column 3, lines 16-18: The camera records a scene or area so it is interpreted as a surveillance camera) comprising storage means formed of a rewritable memory for storing data (see figure 3, element 44), wherein said storage means records operation history the surveillance camera at constant time intervals (rate of 120 Hz) during the predetermined time period (time to record a frame) (see column 4, lines 28-45 and column 5, line 59-64). The Kivolowitz reference does not disclose that the rewritable memory is a non-volatile memory.

The Official Notice taken that it is well known in the art to use a rewriteable nonvolatile memory to store image data and image information in order to preserve the data when the power to the memory is turned off is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure to have Kivolowitz, US 5,881,321, to have a rewritable nonvolatile memory in order to preserve image data while saving power.

In regard to claim 4, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1. It is inherent the Kivolowitz reference comprises a power supply for supplying for to the surveillance camera because it is an electrical

device that needs power to turn on and operate. The Kivolowitz reference discloses a time code generator that stores the time code in the latch circuit (see column 4, lines 24-26). The Kivolowitz reference does not disclose wherein the storage means records accumulated turn-on times of a power supply executed during the predetermined time period as the operation history.

The Official Notice taken that it is well known and old in the art to record the time when the power supply is turned on and to continue the record the time in order to have an accurate time associated with the video of a camera is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the memory of the Kivolowitz reference to store the time code when the power is turned on and continue the store the time during the predetermined time periods in order to maintain an accurate time associated with the images captured by the camera.

In regard to claim 5, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference does not disclose further comprising a filter changing unit, wherein the storage means records a number of filter changing unit operations for changing a filter of the camera executed during the predetermined time period as the operation history.

The Official Notice taken that it is well known and old in the art the store a number of operations for changing a filter in a camera with multiple filters in order to move the appropriate filter into place according to what light the camera is recording in

to create a higher quality image is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the Kivolowitz reference to have a filter changing unit, wherein the storage means records a number of filter changing unit operations for changing a filter of the camera executed during the predetermined time period as the operation history, in order to create higher quality images.

In regard to claim 6, Kivolowitz US 5,881,321, discloses a surveillance camera apparatus according to claim 1, wherein the storage means records an accumulated number of coordinate system resetting operations for resetting coordinate data of the camera executed during the predetermined time period as the operation history (see column 5, lines 4-16).

**7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivolowitz, US 5,881,321, in view of Uchida, US 5,929,904.**

In regard to claim 2, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference does not disclose wherein storage means records an accumulated number of preset operations executed during the predetermined time period of the operation history.

Uchida, US 5,929,904, discloses a camera with camera information registered in the memory (33) for each of the preset memory buttons (60) to control the camera to a camera state indicated by the preset data (see column 3, line 52, to column 4 lines 50).



It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kivolowitz, US 5,881,321, in view of Uchida, US 5,929,904, to have preset memory buttons and have the memory store the accumulated preset operations executed during the predetermined time period of the operation history by the buttons, in order to automate the camera system and allow it to easily follow the same path repeatedly.

In regard to claim 3, Kivolowitz, US 5,881,321, in view of Uchida, US 5,929,904, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference discloses wherein the storage means records times of automatic panning operations as operation history (see column 5, lines 14-17 and 32-37: The all camera movements including panning are saved with the position).

**8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kivolowitz, US 5,881,321, in view of Iwabe, US 4,827,333.**

In regard to claim 7, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus according to claim 1, wherein the temperature and other environmental factors may be stored with other operating parameters because they may have an affect on the measurements (see column 4, lines 13-16). The Kivolowitz reference does not disclose comprising an internal temperature sensor for obtaining a temperature with the surveillance camera, wherein the storage means records a maximum temperature and a minimum temperature within the camera obtained during the predetermined time period as operation history.

Iwabe, US 4,827,333, discloses a camera with a temperature sensor for detecting the temperature within the camera system to use as a parameter to adjust the camera (see figure 1, element 20 and column 3, lines 19-48).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kivolowitz, US 5,881,321, in view of Iwabe, US 4,827,333 to have a temperature sensor for detecting the temperature with the camera system, wherein the storage means records temperatures within the camera obtained during the predetermined time period as operation history along with the other parameters in order to adjust the camera to the optimum settings to take images. It is implied a maximum and a minimum temperature will be stored when multiple temperatures are stored during a time period.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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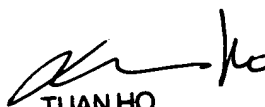
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER